

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION - SW/Corner *
York Road and Ramp A at Inter- * DEPUTY ZONING COMMISSIONER
state Route 83 *
(19308 York Road) * OF BALTIMORE COUNTY
7th Election District *
3rd Councilmanic District * Case No. 96-113-SPHX

Exxon Corporation *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 19308 York Road, located at the southwest corner of York Road and Ramp A at Interstate Route 83 in Parkton. The Petitions were filed by the owner of the property, Exxon Corporation, by Michael J. Specht, Agent/Attorney in Fact, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for the Petitioner. The Petitioner seeks a special hearing to approve amendments to the previously approved site plans in Case Nos. 71-144-RX and 89-114-A to reflect the proposed improvements, and a special exception to permit a fuel service station use in combination with a convenience store. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Jennifer Colvard, Project Manager for Exxon Corporation, Timothy Whittie, Professional Engineer with Exxon Corporation, who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 2.89 acres, zoned B.L.-C.R., and is improved with a gasoline

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Date

By

11/24/95
[Signature]

service station. The Petitioner proposes converting the service bay areas into a convenience store use in accordance with Petitioner's Exhibit 1. While none of the Baltimore County reviewing agencies had any comments against the special exception request itself, some other concerns were raised. The comment dated September 26, 1995 from Pat Keller, Director of the Office of Planning and Zoning (OPZ), requires that the special regulations of Section 259.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) be met. The total floor area of the special exception proposed in this instance is 1,767 sq.ft., with a ratio of .038. Thus, the requested special exception use is well within the limits of Section 259.3 of the B.C.Z.R.

Further testimony and evidence proffered was that the proposed use meets the special exception requirements of Section 502.1 of the B.C.Z.R. Counsel for the Petitioner cited Mossburg v. Montgomery County (No. 58, 1995 Term) as the controlling case on special exceptions. This case states that at issue is "whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use..." Since no evidence was offered to show an adverse effect above and beyond that ordinarily associated with the proposed service station use in combination with a convenience store, the special exception should be granted.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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Date

By

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

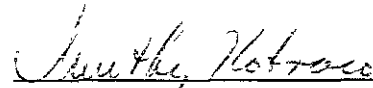
After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth above, the relief requested in the special hearing and special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of November, 1995 that the Petition for Special Hearing to approve amendments to the previously approved site plans in Case Nos. 71-144-RX and 89-114-A to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fuel service station use in combination with a convenience store, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) A final landscape plan for the subject property must be approved prior to the issuance of any permits.
- 3) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated September 20, 1995.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

RECEIVED FOR FILING
11/21/95
Date
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 24, 1995

(410) 887-4386

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
SW/Corner York Road and Ramp A at Interstate Route 83
(19308 York Road)
7th Election District - 3rd Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-113-SPHX

Dear Messrs. Barhight & Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Michael J. Specht and Ms. Jennifer Colvard, Exxon Co., USA
6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

People's Counsel

✓
File





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at

19308 York Road

96-113-SPHX

which is presently zoned

BL-AS-CR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

Amendments to the previously approved plans in Case Nos. 71-144RX and 89-114A.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Phone No.

Towson, MD 21204 (410)832-2000

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fa

(Type or Print Name)

Signature

6301 Ivy Lane (301)513-7511

Address

Phone No.

Suite 700

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address

Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following date

Next Two Months

ALL

OTHER

REVIEWED BY:

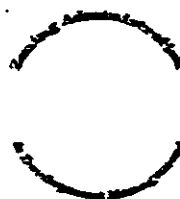
DATE

9-6-95

ORDER RECEIVED FOR FILING

Date

By



106



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 19308 York Road

96-113-SPHX

which is presently zoned BL-AS CR

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Fuel Service Station use-in-combination with a convenience store.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Legal Owner(s):

Exxon Corporation

(Type or Print Name)

Signature

Michael J. Specht (Agent/Attorney in Fact)

(Type or Print Name)

Signature

6301 Ivy Lane (301) 513-7511

Address Suite 700

Phone No.

Greenbelt, MD 20770

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight

David K. Gildea

Name Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue, 4th Fl.

Address Towson, MD 21204 (410) 832-2000

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

9-6-95

Attorney for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Address 4th Floor

Phone No.

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

ORDER RECEIVED FOR FILING

Date

BY

106



Frederick Ward Associates, Inc.

ENGINEERS ARCHITECTS SURVEYORS

ZONING DESCRIPTION

96-113-S PHX

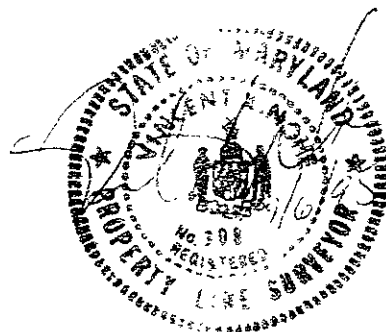
19308 YORK ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a 1" pipe found on the westerly right-of-way line of Maryland Route 45, York Road at the end of an intersection fillet connecting Maryland Route 45 right-of-way with the southerly right-of-way line of Ramp 'A' of Interstate 83, said point of beginning also being at the beginning of that tract or parcel of land conveyed by Govans Development Company to Exxon Corporation by a deed dated April 2, 1973 as recorded among the land records of Baltimore County in Liber EHK, Jr 5347, Folio 852. Thence binding on the westerly right-of-way line of York Road

- 1) South $03^{\circ} 43' 41''$ West 265.00 feet. Thence leaving York Road and running through and across the Land of Exxon Corporation
- 2) North $86^{\circ} 16' 19''$ West 150.00 feet
- 3) North $03^{\circ} 43' 41''$ East 320.00 feet to intersect the aforesaid southerly right-of-way line of Ramp 'A'. Thence binding thereon
- 4) South $86^{\circ} 16' 19''$ East 94.71 feet
- 5) South $41^{\circ} 25' 07''$ East 77.98 feet to the point of beginning hereof

CONTAINING 46480 Square Feet (1.067 Acres) of land more or less.

105



Unfiled

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
94-113-SP44

District: 7th

Date of Posting: 10/6/95

Posted for: Spec. Hearing + Excavation

Petitioner: Exxon Corp

Location of property: 19305 York Rd

Location of Sign: Facing road way on property being zoned

Remarks: _____

Posted by: [Signature]

Signature

Date of return: 10/13/95

Number of Signs: 1

10/13/95

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

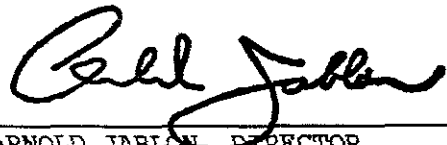
Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.



ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 106

Petitioner: Exxon Corp

Location: 19308 York Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: David K. Gilder

ADDRESS: Unitelad Taylor & Preston

210 W. Penn. Ave. Suite 400 Towson Md. 21204

PHONE NUMBER: (410) 832-2060

AJ:ggs

(Revised 04/09/93)

No. 96-113

**BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT**

620.00 gm

AMOUNT \$ 688.00

RECEIVED
FROM: —

S.D. 1126	(040)	250.00
S.D. 1127	(030)	500.00
FOR POSTAGE	(030)	70.00
		2.835

[illegible]

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

1125

TO: PUTUXENT PUBLISHING COMPANY
September 28, 1995 Issue - Jeffersonian

Please forward billing to:

David K. Gildea, Esq.
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-113-SPHX (Item 106)
19308 York Road
SWC York Road and Ramp "A" from I-83
7th Election District - 3rd Councilmanic
Legal Owner: Exxon Corporation
HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to the previously approved plans in case #71-144-RX and #89-114-X.
Special Exception for a fuel service station use-in-combination with a convenience store.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: 96-113-SPHX
(Item 106)
18308 York Road
SWC York Road and Ramp 'A'
from I-83
7th Election District
3rd Councilmanic
Legal Owner(s):
Exxon Corporation
Hearing: Thursday,
October 26, 1995 at 2:00 p.m.
in Rm. 118, Old Courthouse.

Special Hearing: to approve amendments to the previously approved plans in Case #71-144-RX and #89-114-X. Special Exception for a fuel services station use in combination with a convenience store.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3353.
(2) For information concerning the File and/or Hearing, Please Call 887-3391.

9/23/95 Sept. 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereinin Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-113-SPHX (Item 106)

19308 York Road

SWC York Road and Ramp "A" from I-83

7th Election District - 3rd Councilmanic

Legal Owner: Exxon Corporation

HEARING: THURSDAY, OCTOBER 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to the previously approved plans in case #71-144-RX and #89-114-X.
Special Exception for a fuel service station use-in-combination with a convenience store.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Exxon Corporation
David K. Gildea, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 19, 1995

G. Scott Barhight
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 106
Case No.: 96-113-SPHX
Petitioner: Exxon Corporation

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over a faint, larger version of the same signature.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: September 26, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 19308 York Road

INFORMATION:

Item Number: 106

Petitioner: Exxon Corporation

Property Size: _____

Zoning: BL-CR

Requested Action: Special Hearing and Special Hearing

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant should demonstrate at the time of the hearing that the special regulations outlined in Section 259.3 of the Baltimore County Zoning Regulations have been met.

Prepared by: Jeffrey W. Long

Division Chief: Pat Keller

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief *RWB/DAK*
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for September 25, 1995
Item No. 106

The Development Plans Review Division has reviewed the subject zoning item. A final landscape plan must be approved prior to the release of permits. The currently submitted landscape plan will be reviewed at the final landscape plan stage.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
September 20, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #106 - Exxon Station
19308 York Road
Zoning Advisory Committee Meeting of September 18, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

The existing septic systems should be inspected, septage removed, and cleanouts brought to grade by a licensed septic system contractor. Inspection reports must be forwarded to Department of Environmental Protection and Resource Management (DEPRM).

A water sample should be collected from the potable supply well and analyzed for bacteria and chemical potability, including VOA analysis. Analysis reports must be forwarded to DEPRM.

/

JLP:TE:sp

EXXON/DEPRM/TXTSBP

23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

9-25-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 106 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/US #45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

2006/10/10

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 12, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 102, 103, 104, 105,
106, 107, 109, 110, 112, 113, 114 AND 115.

RECEIVED

SEP 21 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F



Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

August 1, 1995

Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Exxon Station at Ramp "A"
SW Corner of York Road and
Ramp "A" from I-83
DRC Number 07315B Dist 7C3

Dear Sir:

On July 31, 1995, the Development Review Committee (DRC) considered your request on the above referenced project and determined it to be a limited exemption under Section 26-171 (a) (7) of the Baltimore County Development Regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officers' Hearing, and the submittal of a development plan for review and approval; however, compliance with applicable zoning regulations and all county design standards and requirements for public and private improvements is required.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to permit approval. For further information, contact Robert Small at 333-1350.

To determine whether additional engineering plans are required, contact:

1. The Department of Environmental Protection and Resource Management, Environmental Impact Review Division at 887-3980, to determine whether Chesapeake Bay Critical Area, storm water management, sediment and erosion control, forest conservation, etc., plans will be required.

Whiteford, Taylor and Preston
August 1, 1995
Page 2

2. The Department of Permits and Development Management, Development Engineering Services at 887-3751, to determine if a landscape plan or other construction plans will be required.

Be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement.

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a permit with the Permits and Licenses Section.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Donald T. Rascoe", followed by a flourish.

Donald T. Rascoe
Development Manager

DTR:KAK:aw
c: Larry Pilson

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR SPECIAL EXCEPTION		
19308 York Road, SWC York Road and Ramp	*	ZONING COMMISSIONER
"A" from I-83, 7th Election District,	*	
3rd Councilmanic	*	OF BALTIMORE COUNTY
Exxon Corporation	*	CASE NO. 96-113-SPHX
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED

WHITEFORD, TAYLOR & PRESTON
L.L.P.

SEVEN SAINT PAUL STREET
BALTIMORE, MARYLAND 21202-1626
TELEPHONE 410 547-8700
FAX 410 752-7092

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410 832-2000
FAX 410 832-2015

1025 CONNECTICUT AVENUE, NW
WASHINGTON, D.C. 20036-5405
TELEPHONE 202 659-6800
FAX 202 331-0573

30 COLUMBIA CORPORATE CENTER
10440 LITTLE PATUXENT PARKWAY
COLUMBIA, MARYLAND 21044
TELEPHONE 410 884-0700
FAX 410 884-0719

1317 KING STREET
ALEXANDRIA, VIRGINIA 22314-2928
TELEPHONE 703 836-5742
FAX 703 836-0265

DAVID K. GILDEA
DIRECT NUMBER
410 832-2066
2029539@mcimail.com

May 15, 1996

Via Hand Delivery

Arnold Jablon, Director
Office of Permits & Development Management
Room 109, 111 W. Chesapeake Avenue
Towson, Maryland 21204

**Re: Spirit and Intent Request
Exxon Station at 19308 York Road
Case No.: 96-113-SPHX
Our File: 02951/00018**

Dear Mr. Jablon:

Exxon Corporation, by and through its attorneys, Whiteford, Taylor & Preston, hereby requests a revision to the previously approved plan within the spirit and intent of Case No.: 96-113-SPHX.

On November 24, 1995, Deputy Zoning Commission Timothy M. Kotroco granted a special hearing to approve amendments to the previously approved site plan in Case Nos. 71-144-RX and 89-114-A to reflect the proposed improvements, and granted a special exception to permit a fuel service station use-in-combination with a convenience store. I have attached a copy of Deputy Zoning Commissioner Kotroco's Opinion and Order for your review.

96-2898 AS-WCK
To: JH
STI
5/17/96 ua
5/17/96 -cashier

Arnold Jablon, Director
May 15, 1996
Page Two

Exxon proposes to revise the previously approved Special Exception to change the previously approved square footage of the convenience store from *1,767 sq. ft.* previously approved to *1,104 sq. ft.* The smaller proposed convenience store will be located within the same footprint as the previously approved larger convenience store. Exxon simply made a business decision to place a smaller convenience store at the site than what was previously approved. I have attached a copy of the previously approved plan and a copy of the plan which shows revisions.

On August 1, 1995, the DRC granted a limited exemption under Section 26-171(a)(7) of the Baltimore County Development Regulations. I have attached hereto a copy of a letter from the Department of Permits & Development Management signed by Donald T. Rascoe to Whiteford, Taylor & Preston, dated August 1, 1995 for your review.

The proposed revisions to the site are within the spirit and intent of Baltimore County Zoning Regulations and the previously approved plan in Case No. 96-113-SPXA. The only revision to the previously approved plan is placing a smaller convenience store within the same footprint of the previously approved larger convenience store. Exxon respectfully requests that the revisions be approved within the spirit and intent of Case No. 96-113-SPHX.

Thank you for your kind consideration and I look forward to hearing from you soon. Should you have any questions or comments, please call me.

Very truly yours,


David K. Gildea

DKG:dmk

cc: Michael J. Specht, Exxon Corporation (w/o enclosures)
Timothy Whittie, Frederick Ward & Associates (w/o enclosures)

May 20, 1996

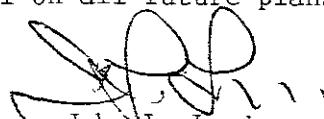
7th ED

**Speed
Letter**

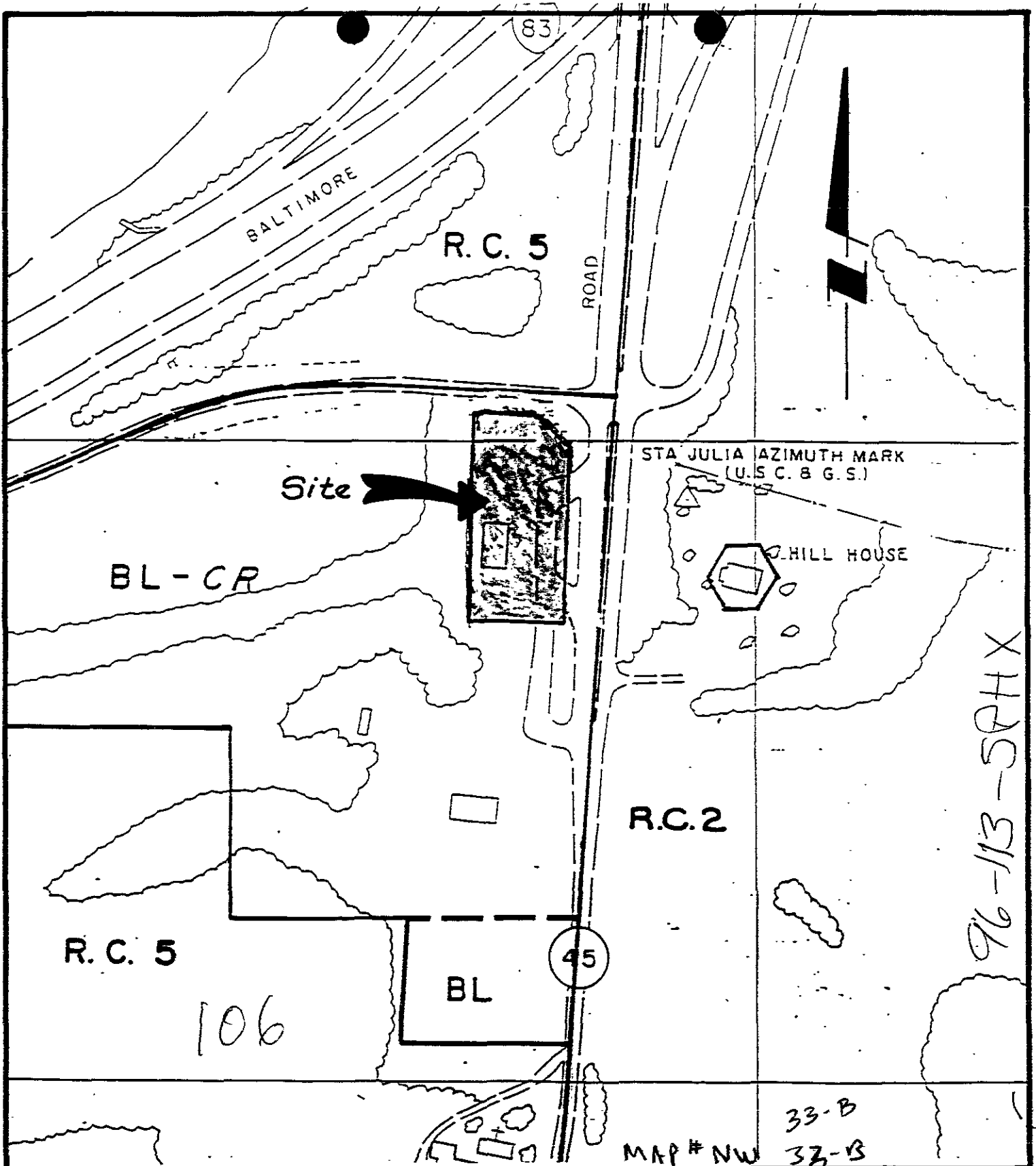
In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.

The plan revision for reduction of the convenience store area from 1,767 square feet (as approved in zoning case #96-113-SPHXA) to 1,104 square feet is approved as being within the spirit and intent of the approved plan and order.

Please document this approval on all future plans.


John L. Lewis
Planner II
Zoning Review





SCALE	DATE
DR. BY	CH. BY
PLAT NO.	JOB NO.

FREDERICK WARD ASSOCIATES, INC.



ENGINEERS-ARCHITECTS-SURVEYORS
5 SOUTH MAIN STREET
BEL AIR, MARYLAND 21014-0727
(410)836-7900 (410)879-2090

EXON
ZONING
MAP

UNOFFICIAL

Yone Rd

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

96-113-SPHx(Tru #106)

ADDRESS

JENNIFER COLVARD - Exxon Co, USA

6301 IVY LANE, STE 700, GREENBELT, MD

M. Catherine Kishak

825 York Road Towson, M.D. 21204

David K. Gildea

Whiteford, Taylor + Preston

210 W. Penn. Ave Suite 400
Towson, Md. 21204

EXHIBITS

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

PETITIONER'S

NAME

ADDRESS

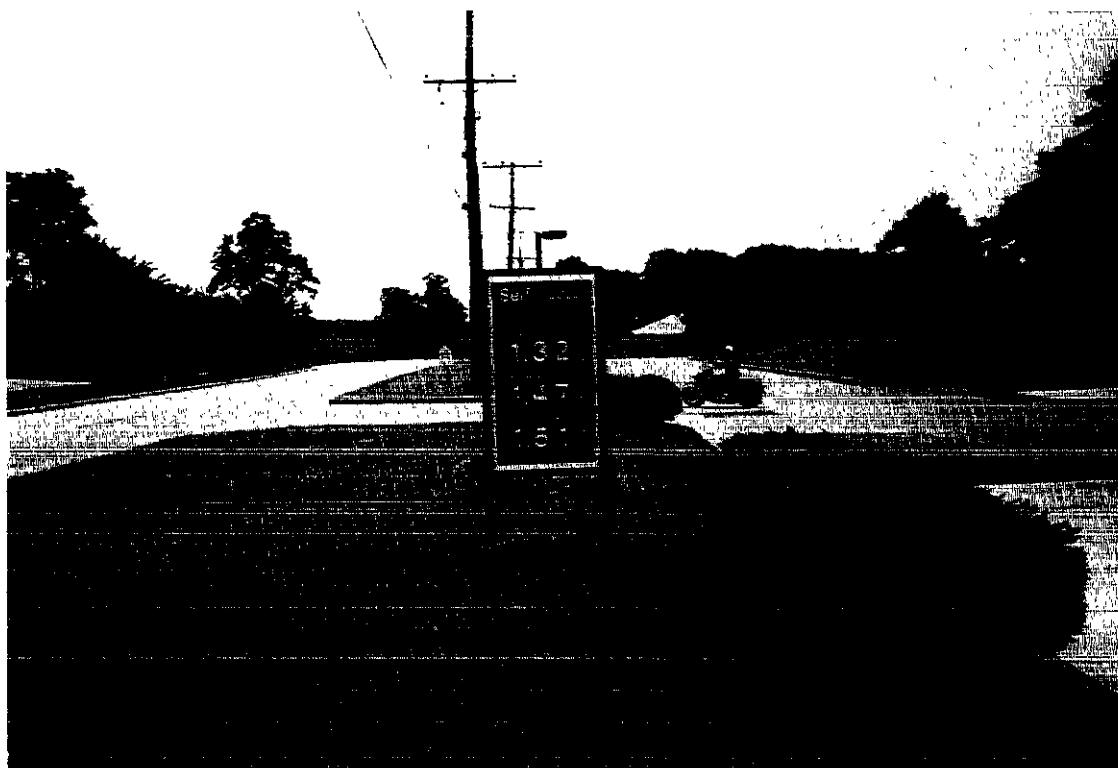
(1) Amended Site Plan.

(2) Photographs.



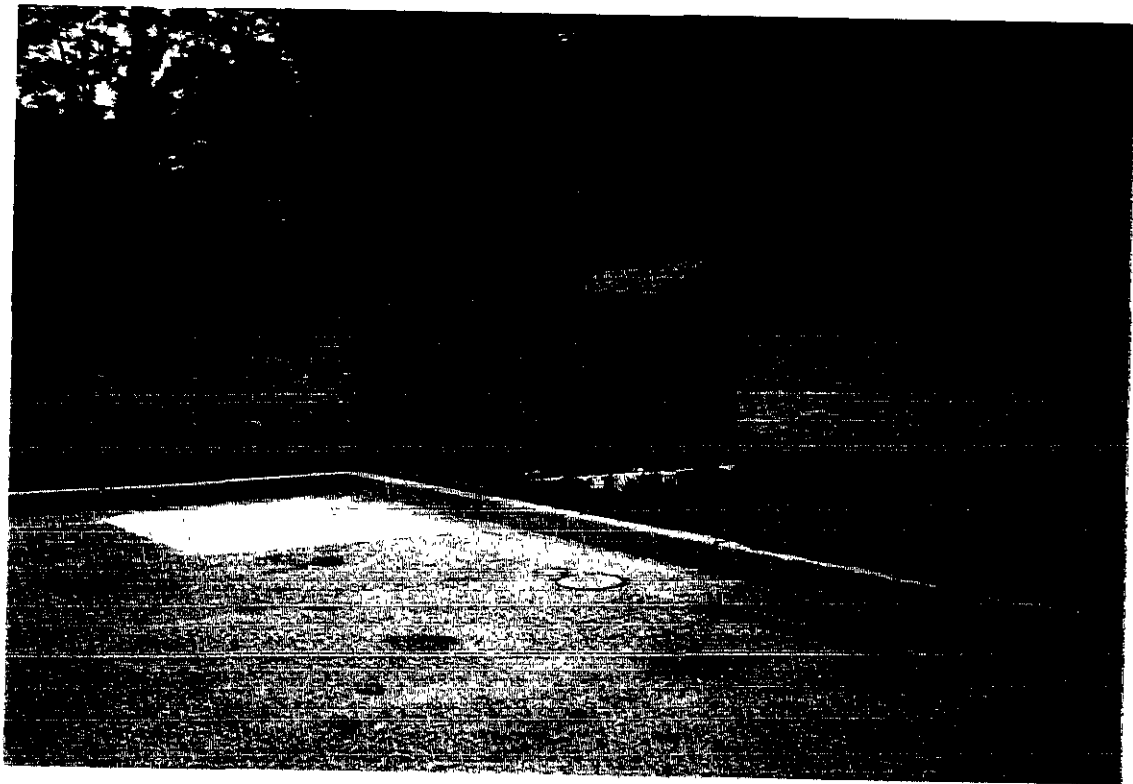
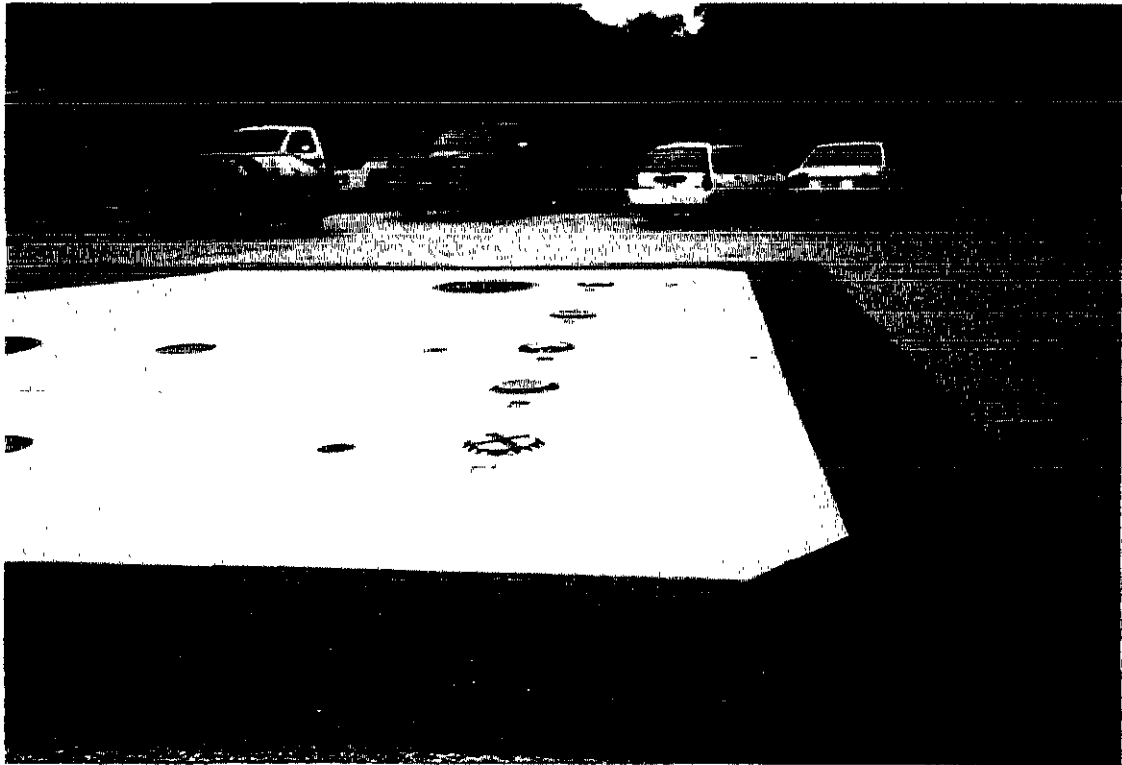
96-113-5PHX

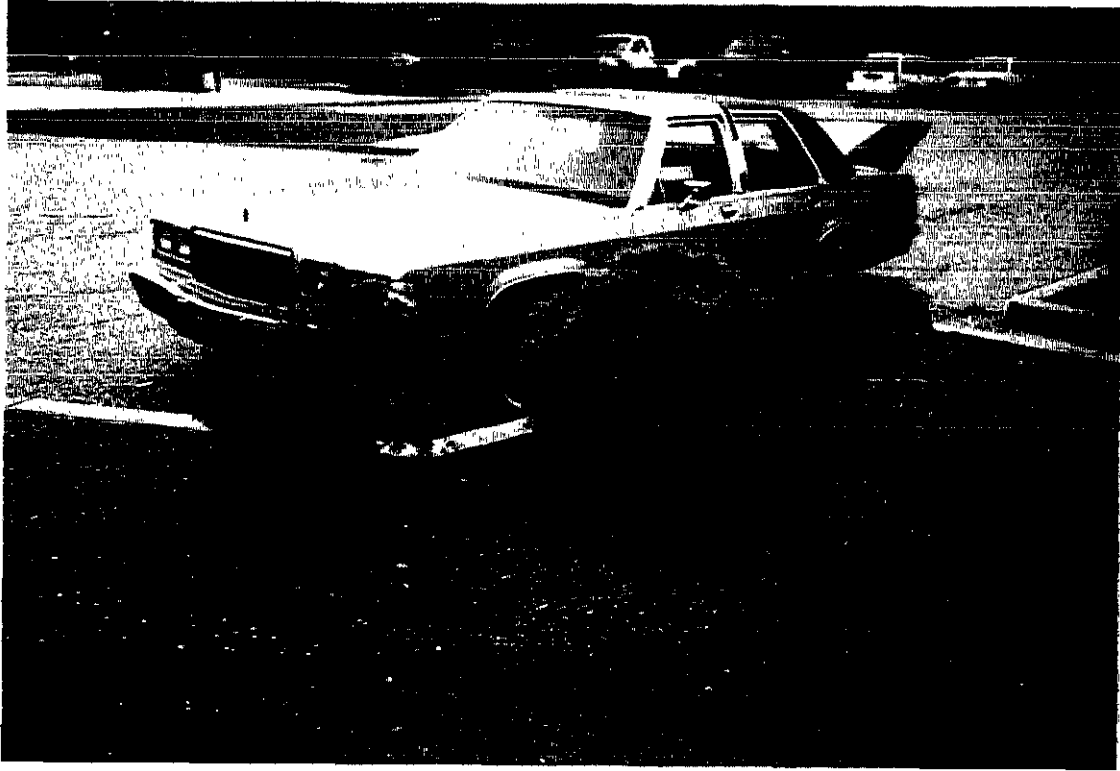
PETITIONER'S
EXHIBIT 2



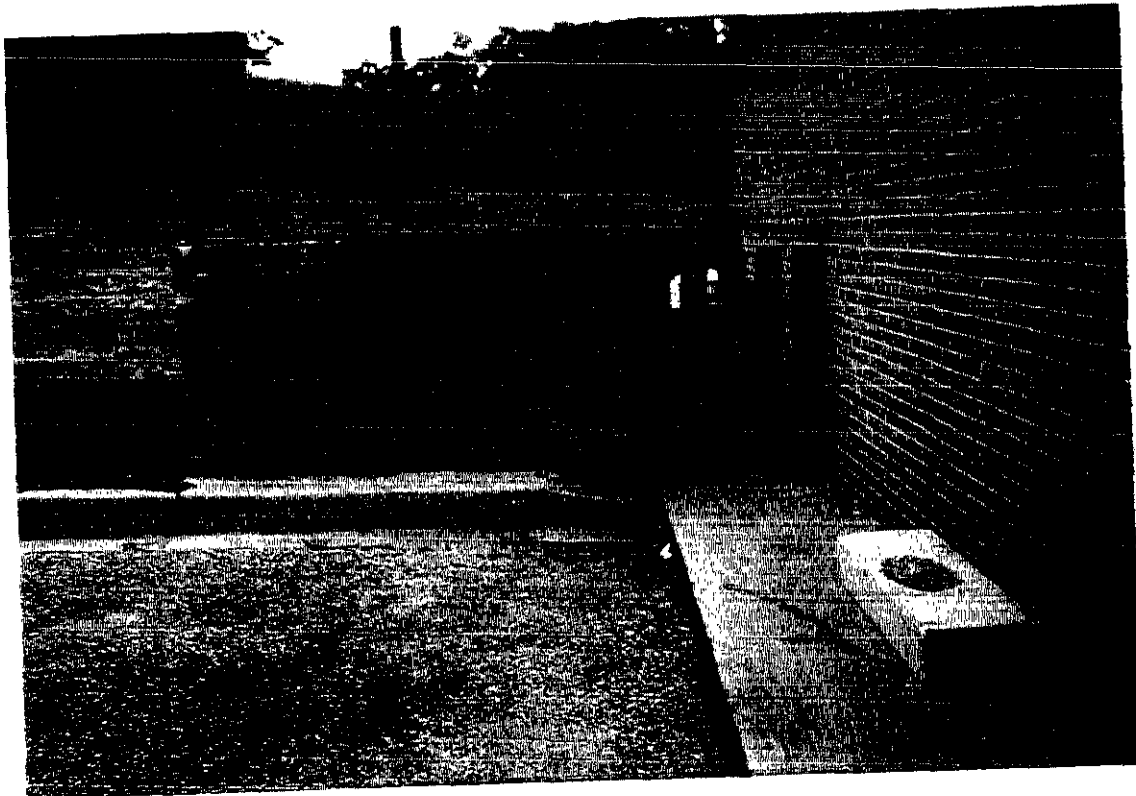














IN RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION - SW Corner York Road and Ramp A at Interstate Route 83 (19308 York Road) 7th Election District 3rd Councilmanic District
EXXON CORPORATION
Petitioner
* BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY
* Case No. 96-113-SPHX

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as Petitions for Special Hearing and Special Exception for that property known as 19308 York Road, located at the southwest corner of York Road and Ramp A at Interstate Route 83 in Parkton. The Petitions were filed by the owner of the property, Exxon Corporation, by Michael J. Specht, Agent/Attorney in Fact, through G. Scott Barhight, Esquire and David K. Gildea, Esquire, attorneys for the Petitioner. The Petitioner seeks a special hearing to approve amendments to the previously approved site plans in Case Nos. 71-144-RX and 89-114-A to reflect the proposed improvements, and a special exception to permit a fuel service station use in combination with a convenience store. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Jennifer Colvard, Project Manager for Exxon Corporation, Timothy Whittle, Professional Engineer with Exxon Corporation, who prepared the site plan for this project, and David K. Gildea, Esquire, attorney for the Petitioner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 2.89 acres, zoned B.L.-C.R., and is improved with a gasoline

service station. The Petitioner proposes converting the service bay areas into a convenience store use in accordance with Petitioner's Exhibit 1. While none of the Baltimore County reviewing agencies had any comments against the special exception request itself, some other concerns were raised. The comment dated September 26, 1995 from Pat Keller, Director of the Office of Planning and Zoning (OPZ), requires that the special regulations of Section 259.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) be met. The total floor area of the special exception proposed in this instance is 1,767 sq.ft., with a ratio of .038. Thus, the requested special exception use is well within the limits of Section 259.3 of the B.C.Z.R.

Further testimony and evidence proffered was that the proposed use meets the special exception requirements of Section 502.1 of the B.C.Z.R. Council for the Petitioner cited Mossburg v. Montgomery County (No. 58, 1995 Term) as the controlling case on special exceptions. This case states that at issue is "whether the adverse effects in a particular location would be greater than the adverse effects ordinarily associated with a particular use..." Since no evidence was offered to show an adverse effect above and beyond that ordinarily associated with the proposed service station use in combination with a convenience store, the special exception should be granted.

It is clear that the B.C.Z.R. permits the use proposed in a B.L.-C.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held and for the reasons set forth above, the relief requested in the special hearing and special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of November, 1995 that the Petition for Special Hearing to approve amendments to the previously approved site plans in Case Nos. 71-144-RX and 89-114-A to reflect the proposed improvements, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a fuel service station use in combination with a convenience store, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for their building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) A final landscape plan for the subject property must be approved prior to the issuance of any permits.
- 3) Compliance with the comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated September 20, 1995.
- 4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 11/14/95
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/14/95
By [Signature]

ORDER RECEIVED FOR FILING

Date 11/14/95
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

November 24, 1995

(410) 887-4386

G. Scott Barhight, Esquire
David K. Gildea, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND SPECIAL EXCEPTION
SW/Corner York Road and Ramp A at Interstate Route 83
(19308 York Road)
7th Election District - 3rd Councilmanic District
Exxon Corporation - Petitioner
Case No. 96-113-SPHX

Dear Messrs. Barhight & Gildea:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Michael J. Specht and Ms. Jennifer Colvard, Exxon Co., USA
6301 Ivy Lane, Suite 700, Greenbelt, Md. 20770

People's Counsel

Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at 19308 York Road
96-113-SPHX which is presently zoned B.L.-C.R.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve

Amendments to the previously approved plans in Case Nos. 71-144RX and 89-114A.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zip

Agent for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Address

City State Zip

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Towson, MD 21204 (410) 832-2000

4th Floor

Towson, MD 21204 (410) 832-2000

EXHIBIT (SEE LIST OF ATTACHED)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 9-6-95 BY [Signature]

106

Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 19308 York Road
96-113-SPHX which is presently zoned B.L.-C.R.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Fuel Service Station use-in-combination with a convenience store.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

(Type or Print Name)

Signature

Address

City State Zip

Agent for Petitioner:

G. Scott Barhight

David K. Gildea

(Type or Print Name)

Signature

Address

City State Zip

Whiteford, Taylor & Preston

210 W. Pennsylvania Avenue

Towson, MD 21204 (410) 832-2000

4th Floor

Towson, MD 21204 (410) 832-2000

EXHIBIT (SEE LIST OF ATTACHED)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

DATE 9-6-95 BY [Signature]

106

Frederick Ward Associates, Inc.
(ENGINEERS ARCHITECTS SURVEYORS)

ZONING DESCRIPTION 96-113-SPHX

19308 YORK ROAD
SEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a 1" pipe found on the westerly right-of-way line of Maryland Route 45, York Road at the end of an intersection fillet connecting Maryland Route 45 right-of-way with the southerly right-of-way line of Ramp 'A' of Interstate 83, said point of beginning also being at the beginning of that tract or parcel of land conveyed by Govans Development Company to Exxon Corporation by a deed dated April 2, 1973 as recorded among the land records of Baltimore County in Liber EHK, Jr 5347, Folio 852. Thence binding on the westerly right-of-way line of York Road

- 1) South 03° 43' 41" West 255.00 feet. Thence leaving York Road and running through and across the land of Exxon Corporation
- 2) North 86° 16' 19" West 150.00 feet
- 3) North 03° 43' 41" East 320.00 feet to intersect the aforesaid southerly right-of-way line of Ramp 'A'. Thence binding thereon
- 4) South 86° 16' 19" East 94.71 feet
- 5) South 41° 25' 07" East 77.98 feet to the point of beginning hereof

CONTAINING 46480 Square Feet (1.067 Acres) of land more or less.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 10/1/95
Posted for: Spec. Hearing Exception
Petitioner: Exxon Corp.
Location of property: 19308 York Rd
Location of Sign: Along the side of property being zoned
Remarks:
Posted by: [Signature] Date of return: 10/13/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/29, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/28, 1995.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, on Thursday, October 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case No. 95-113-SPHX
19308 York Road
SAC York Road and Ramp "A" from I-83
7th Election District - 3rd Councilmanic
Legal Owner: Exxon Corporation
Hearing: Thursday, October 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse
Special Hearing to approve amendments to the previously approved plans in Case #71-144-21 and #89-114-1. Special Exception for a fuel service station use-in-combination with a convenience store.
NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3393.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.
8/28/95 JEL

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

[Signature]
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 106
Petitioner: Exxon Corp
Location: 19308 York Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: David K. Gilden
ADDRESS: Whitford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD. 21204
PHONE NUMBER: (410) 532-7066

AJ:qcs
(Revised 04/09/93)

TO: PUTZENT PUBLISHING COMPANY
September 28, 1995 Issues - Jeffersonian
Please forward billing to:
David K. Gilden, Esq.
Whitford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, MD 21204
832-2000

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-113-SPHX (Item 106)
19308 York Road
SAC York Road and Ramp "A" from I-83
7th Election District - 3rd Councilmanic
Legal Owner: Exxon Corporation
Hearing: Thursday, October 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to the previously approved plans in case #71-144-21 and #89-114-1. Special Exception for a fuel service station use-in-combination with a convenience store.

LAWRENCE S. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3393.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 21, 1995

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-113-SPHX (Item 106)
19308 York Road
SAC York Road and Ramp "A" from I-83
7th Election District - 3rd Councilmanic
Legal Owner: Exxon Corporation
Hearing: Thursday, October 26, 1995 at 2:00 p.m. in Room 118, Old Courthouse.

Special Hearing to approve amendments to the previously approved plans in case #71-144-21 and #89-114-1. Special Exception for a fuel service station use-in-combination with a convenience store.

[Signature]
Arnold Jablon
Director

cc: Exxon Corporation
David K. Gilden, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO EN. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3393.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: September 26, 1995
FROM: Pat Keller, Director, OP
SUBJECT: 19308 York Road

INFORMATION:
Item Number: 106
Petitioner: Exxon Corporation
Property Size:
Zoning: BL-CR
Requested Action: Special Hearing and Special Hearing
Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:
The applicant should demonstrate at the time of the hearing that the special regulations outlined in Section 259.3 of the Baltimore County Zoning Regulations have been met.

Prepared by: [Signature]
Division Chief: [Signature]
PK/JL

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Sept. 25, 1995
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief [Signature]
Development Plans Review Division
RE: Zoning Advisory Committee Meeting
for September 25, 1995
Item No. 106

The Development Plans Review Division has reviewed the subject zoning item. A final landscape plan must be approved prior to the release of permits. The currently submitted landscape plan will be reviewed at the final landscape plan stage.

RWB:aw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: September 20, 1995
Zoning Administration and Development Management
FROM: J. Lawrence Pilson, [Signature]
Development Coordinator, DEPRM
SUBJECT: Zoning Item #106 - Exxon Station
19308 York Road
Zoning Advisory Committee Meeting of September 18, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Ground Water Management

The existing septic systems should be inspected, septage removed, and cleanouts brought to grade by a licensed septic system contractor. Inspection reports must be forwarded to Department of Environmental Protection and Resource Management (DEPRM).

A water sample should be collected from the potable supply well and analyzed for bacteria and chemical potability, including VOA analysis. Analysis reports must be forwarded to DEPRM.

JLP:TE:sp
EXXON/DEPRM/TXTS8P



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

October 19, 1995

G. Scott Barhight
Whitford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 106
Case No.: 95-113-SPHX
Petitioner: Exxon Corporation

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on September 6, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

MCR/jw
Attachment(s)



**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 106 (JCM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD 45 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 09/19/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF SEPT. 18, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and recommended to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 102, 103, 104, 107, 108, 109, 110, 112, 113, 114 AND 115.

RECEIVED
SEP 21 1995
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REVIEWER: LT. ROBERT P. SAUERWALD
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Baltimore County Government
Department of Permits and
Development Management



111 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

August 1, 1995

Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204-4515

RE: Exxon Station at Ramp "A"
SW Corner of York Road and
Ramp "A" from I-83
DRC Number 07315B Dist 7C3

Dear Sir:

On July 31, 1995, the Development Review Committee (DRC) considered your request on the above referenced project and determined it to be a limited exemption under Section 26-171 (a) (7) of the Baltimore County Development Regulations. As a result, your development is exempt from the requirements of a Community Input Meeting, a Hearing Officers' Hearing, and the submittal of a development plan for review and approval; however, compliance with applicable zoning regulations and all county design standards and requirements for public and private improvements is required.

Additionally, this project is located on a state road; therefore, the State Highway Administration requires the plan to be reviewed prior to permit approval. For further information, contact Robert Small at 333-1350.

To determine whether additional engineering plans are required, contact:

1. The Department of Environmental Protection and Resource Management, Environmental Impact Review Division at 887-3980, to determine whether Chesapeake Bay Critical Area, storm water management, sediment and erosion control, forest conservation, etc., plans will be required.

Whiteford, Taylor and Preston
August 1, 1995
Page 2

2. The Department of Permits and Development Management, Development Engineering Services at 887-3751, to determine if a landscape plan or other construction plans will be required.

Be advised that Phase 2 review fees may apply, depending on the amount of site disturbance and/or the requirement of a Public Works Agreement.

A copy of this letter must be presented when submitting engineering/construction plans to this office and/or when applying for a permit with the Permits and Licenses Section.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,

Donald T. Rascoe
Donald T. Rascoe
Development Manager

DTR:KAK:aw
c: Larry Pilson

RE: PETITION FOR SPECIAL HEARING
PETITION FOR SPECIAL EXCEPTION
19308 York Road, SMC York Road and Ramp
"A" from I-83, 7th Election District,
3rd Councilmanic
Exxon Corporation
petitioner

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Dentilo
CAROLE S. DENTILO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 687-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of October, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire and David K. Gildea, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorneys for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

WHITEFORD, TAYLOR & PRESTON
LLP

1000 YORK ROAD, SUITE 400
TOWSON, MD 21204
TELEPHONE: 410-454-7000
FAX: 410-454-7000

210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-4515
410-832-2000
FAX 410-832-2015

1000 YORK ROAD, SUITE 400
TOWSON, MD 21204
TELEPHONE: 410-454-7000
FAX: 410-454-7000

DAVID K. GILDEA
410-454-7000
202-749-0000 (TOLL FREE)

May 15, 1996

Via Hand Delivery
Arnold Jablon, Director
Office of Permits & Development Management
Room 109, 111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Spirit and Intent Request
Exxon Station at 19308 York Road
Case No.: 96-113-SPHX
Our File: 02951/00018

Dear Mr. Jablon:

Exxon Corporation, by and through its attorneys, Whiteford, Taylor & Preston, hereby requests a revision to the previously approved plan within the spirit and intent of Case No. 96-113-SPHX.

On November 24, 1995, Deputy Zoning Commission Timothy M. Kotroco granted a special hearing to approve amendments to the previously approved site plan in Case Nos. 71-144-RX and 89-114-A to reflect the proposed improvements, and granted a special exception to permit a fuel service station use-in-combination with a convenience store. I have attached a copy of Deputy Zoning Commissioner Kotroco's Opinion and Order for your review.

May 15, 1996
Page 2

Arnold Jablon, Director
May 15, 1996
Page Two

Exxon proposes to revise the previously approved Special Exception to change the previously approved square footage of the convenience store from 1,787 sq. ft. previously approved to 1,104 sq. ft. The smaller proposed convenience store will be located within the same footprint as the previously approved larger convenience store. Exxon simply made a business decision to place a smaller convenience store at the site than what was previously approved. I have attached a copy of the previously approved plan and a copy of the plan which shows revisions.

On August 1, 1995, the DRC granted a limited exemption under Section 26-171(a)(7) of the Baltimore County Development Regulations. I have attached hereto a copy of a letter from the Department of Permits & Development Management signed by Donald T. Rascoe to Whiteford, Taylor & Preston, dated August 1, 1995 for your review.

The proposed revisions to the site are within the spirit and intent of Baltimore County Zoning Regulations and the previously approved plan in Case No. 96-113-SPXA. The only revision to the previously approved plan is placing a smaller convenience store within the same footprint of the previously approved larger convenience store. Exxon respectfully requests that the revisions be approved within the spirit and intent of Case No. 96-113-SPHX.

Thank you for your kind consideration and I look forward to hearing from you soon. Should you have any questions or comments, please call me.

Very truly yours,

David K. Gildea
David K. Gildea

DKG:dmk

cc: Michael J. Specht, Exxon Corporation (w/c enclosures)
Timothy Whittie, Frederick Ward & Associates (w/o enclosures)

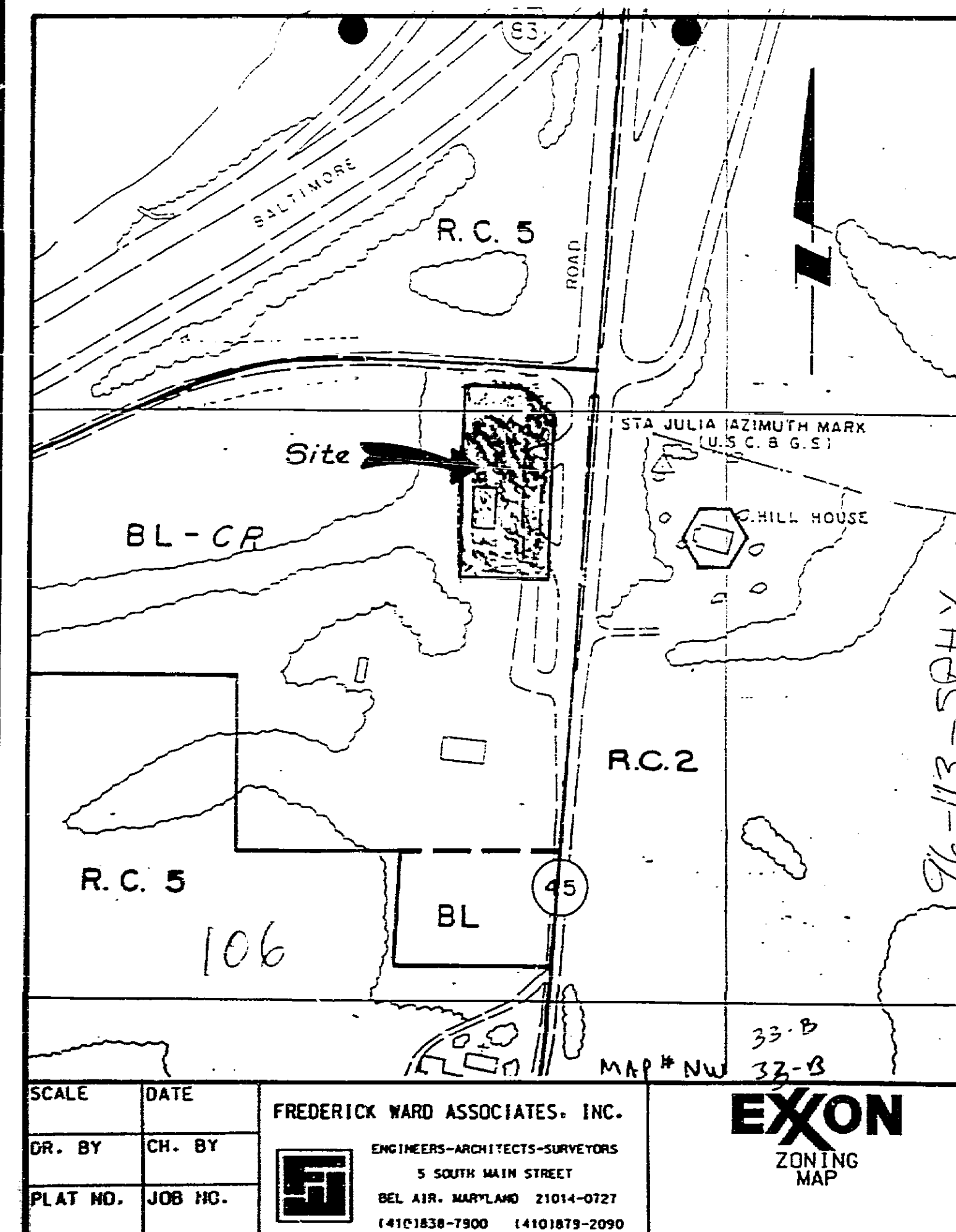
**Speed
Letter**

May 20, 1996 7th ED

The plan revision for reduction of the convenience store area from 1,787 square feet (as approved in zoning case #96-113-SPHX) to 1,104 square feet is approved as being within the spirit and intent of the approved plan and order.

Please document this approval on all future plans.

John L. Lewis
John L. Lewis
Planner II
Zoning Review



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME 96-113-SP4x (Tru #106) ADDRESS

JENNIFER POLVARD - EX-04 CA USA 630 IVY LANE STE 700 GREENBELT, MD
 M. Catherine Black 325 York Road Towson, MD 21204
 Duane K. Gilden 41401 Taylor Pointe
 210 W. Penn Ave. Suite 400
 Baltimore, MD 21204

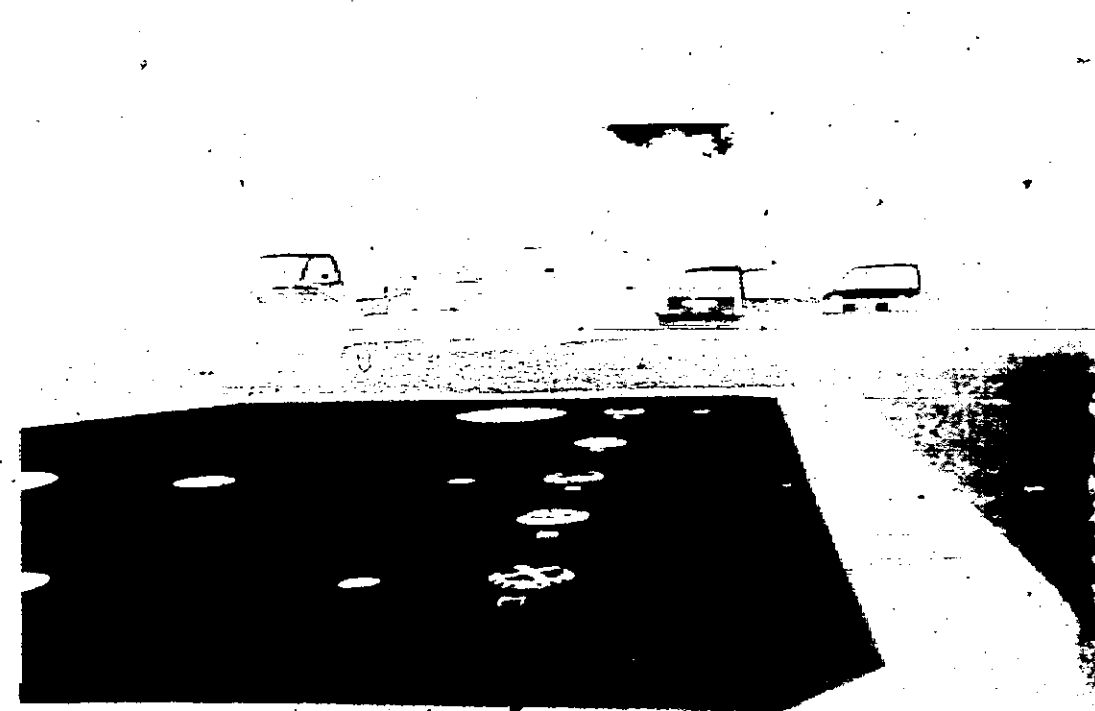
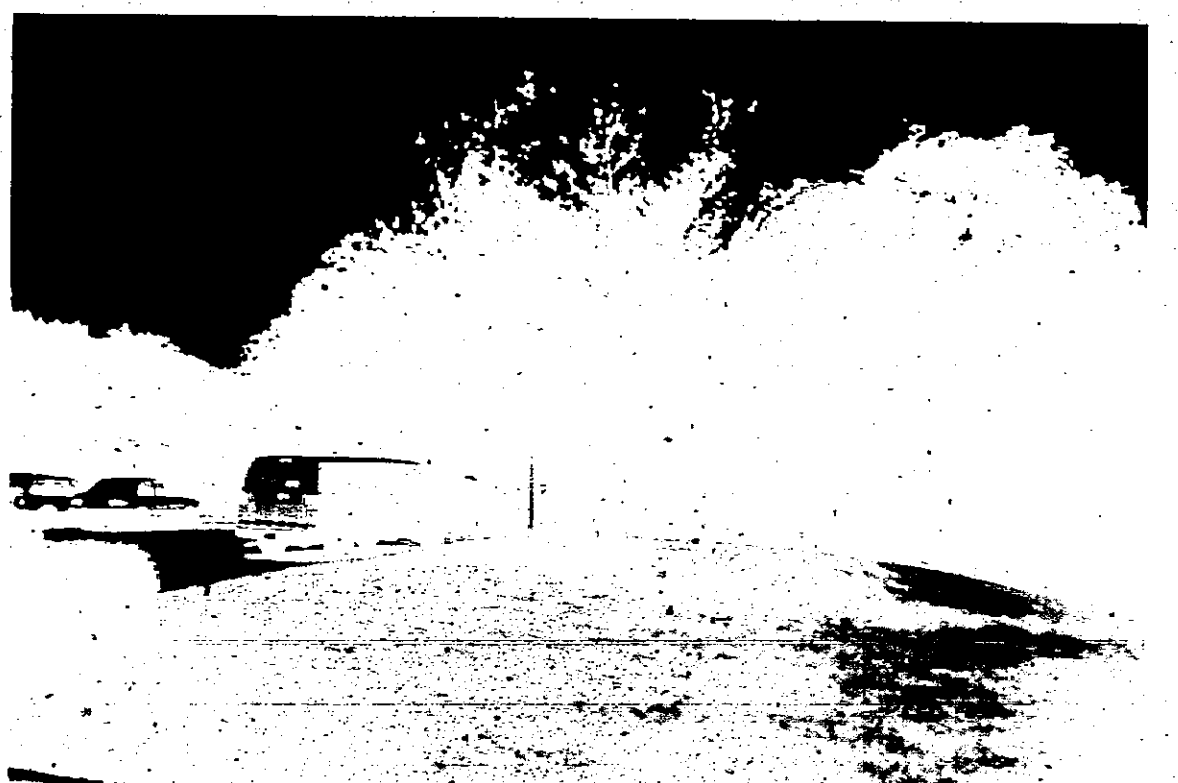
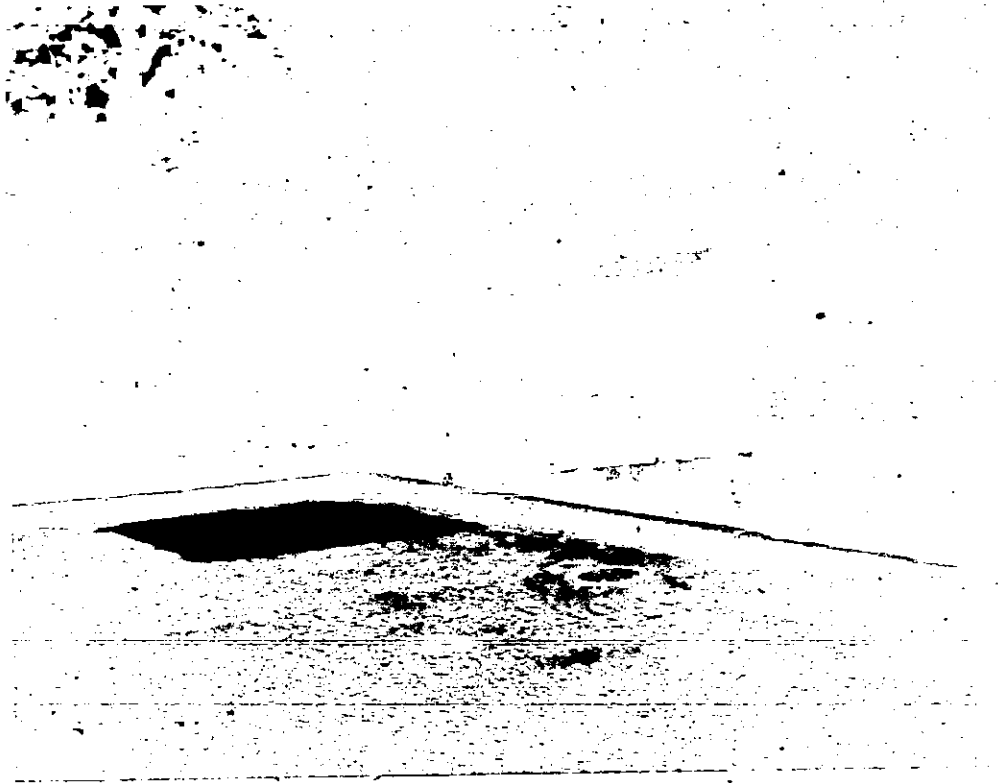
PLEASE PRINT CLEARLY

EXHIBITS

PETITIONER(S) SIGN-IN SHEET

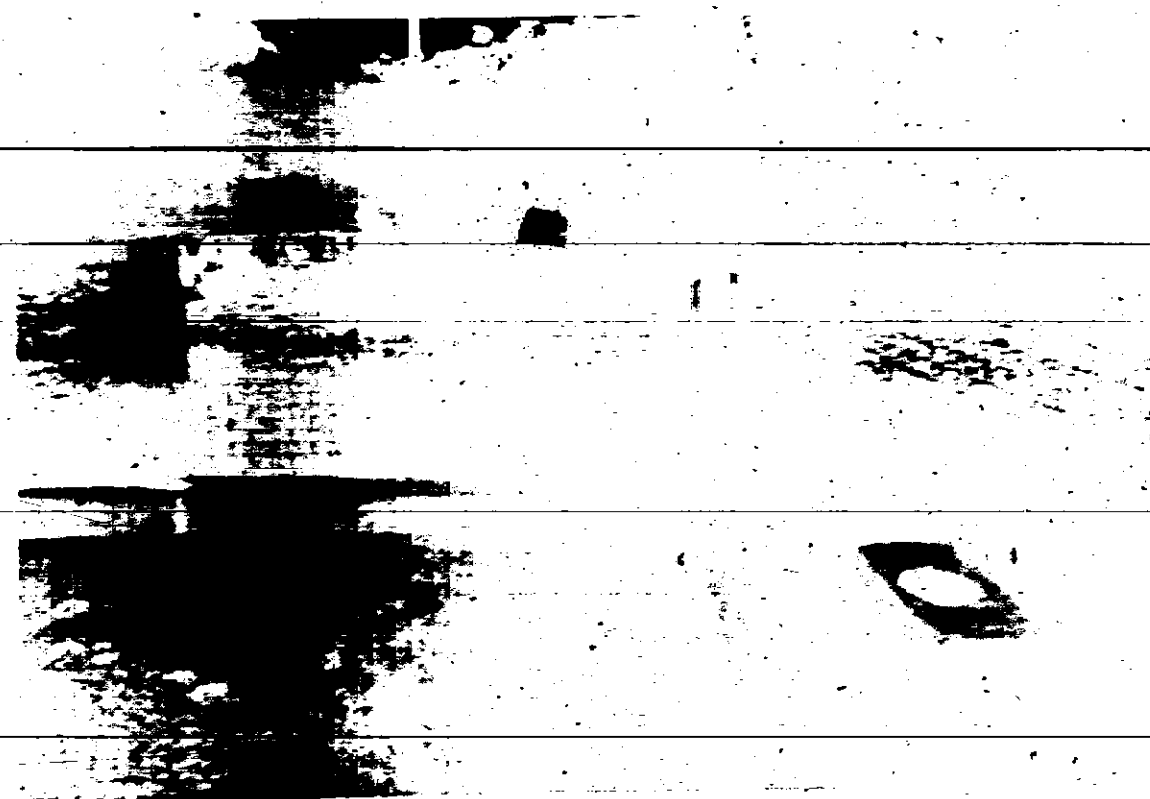
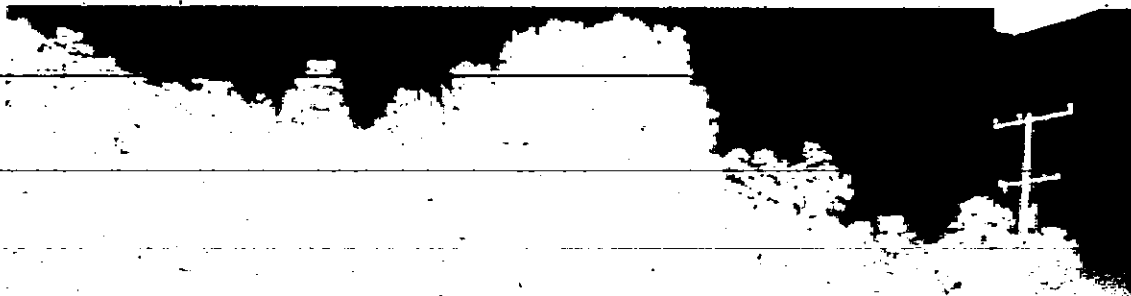
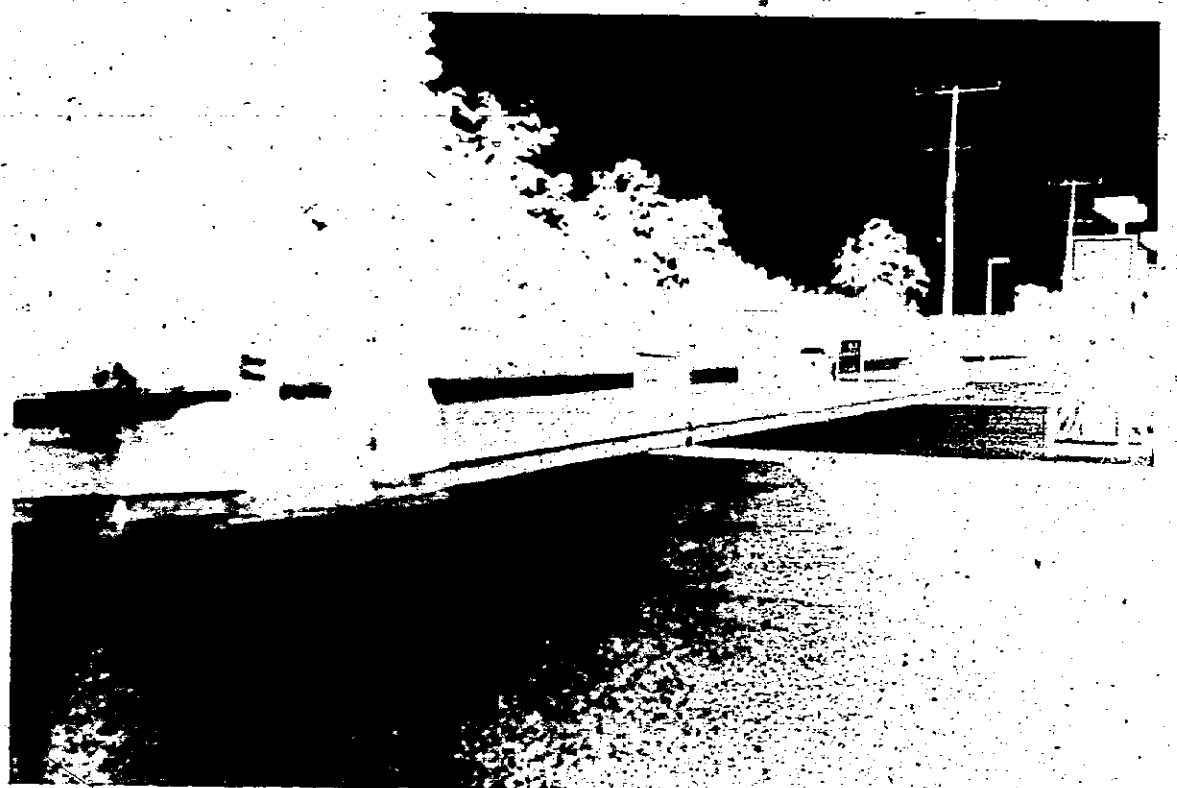
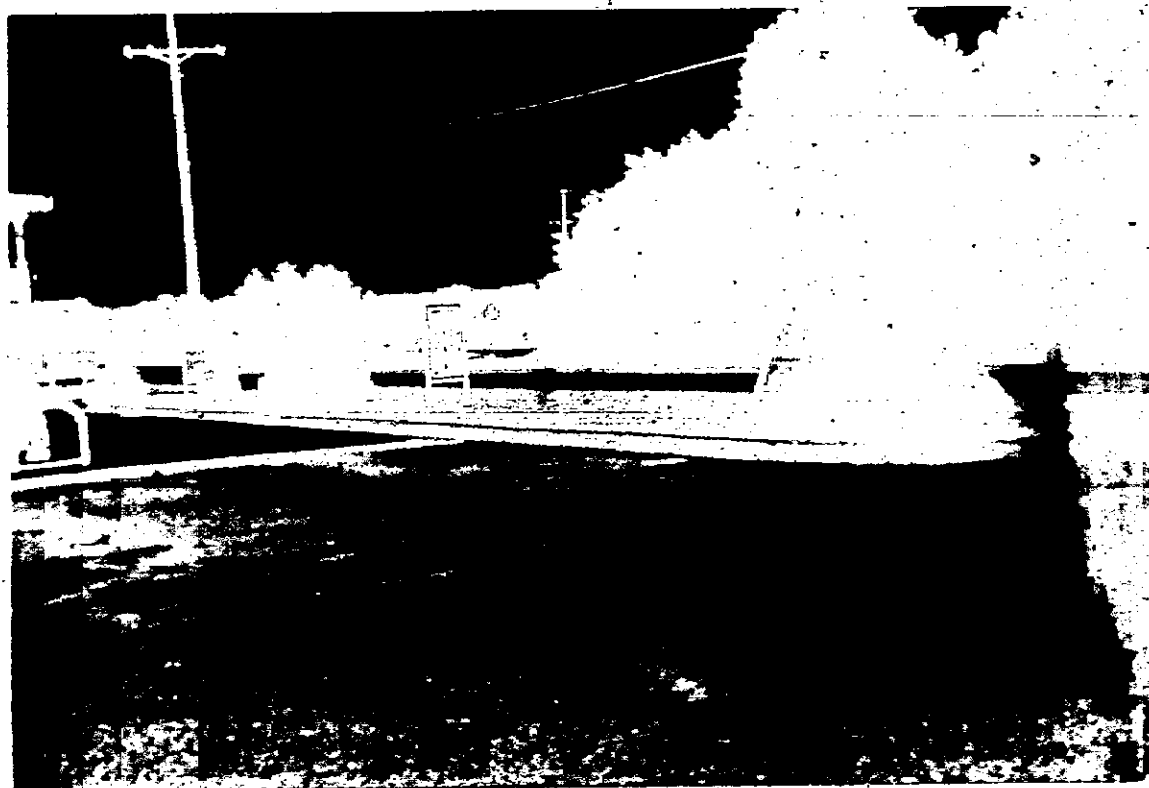
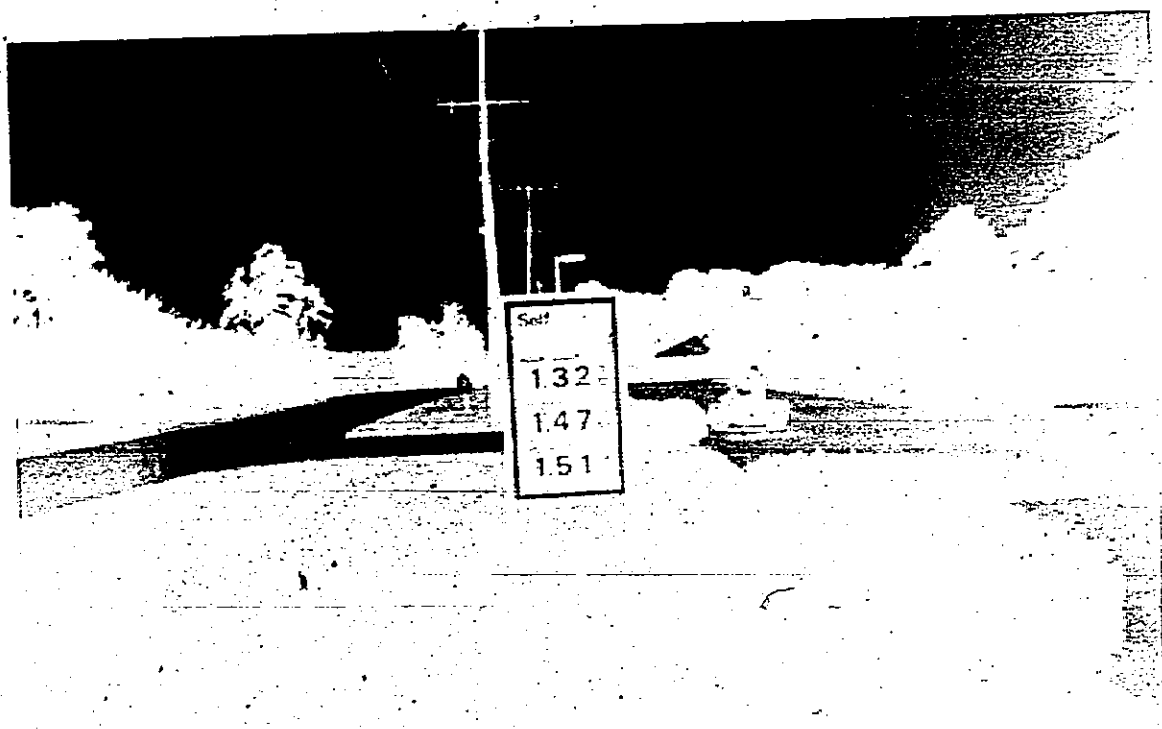
NAME ADDRESS

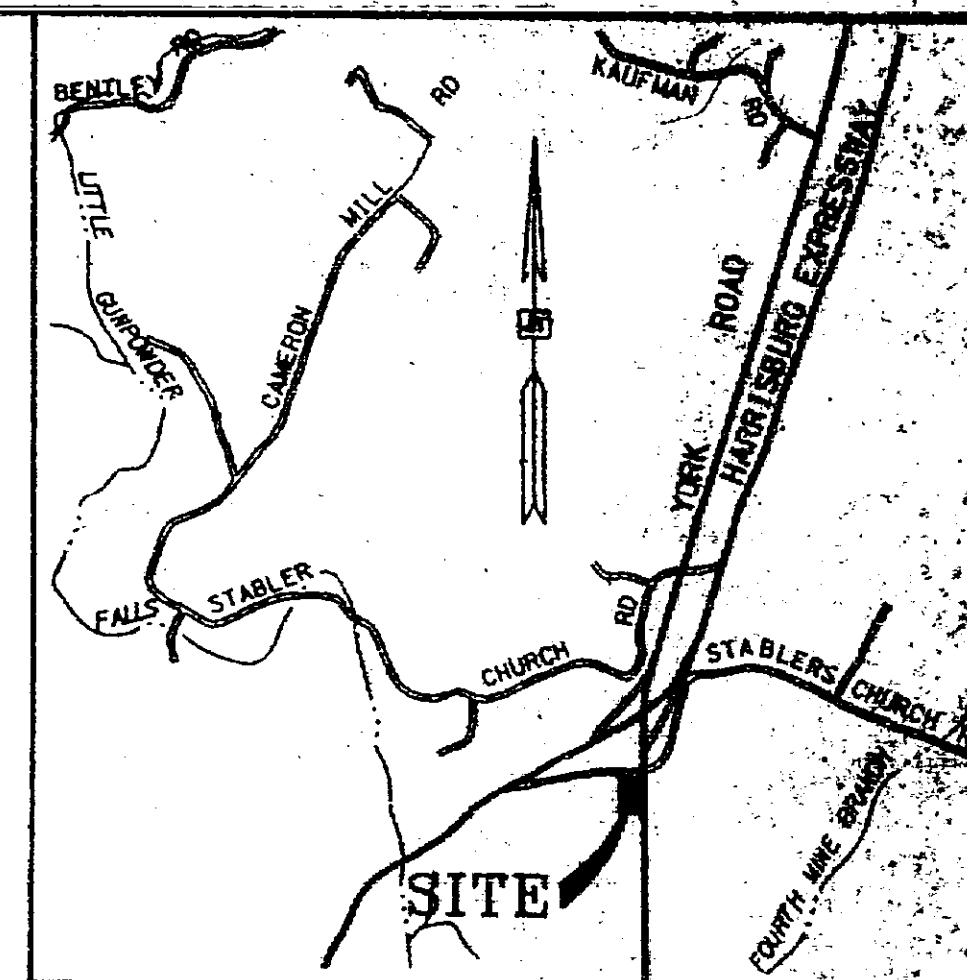
1. Unimproved Site Plan
 2. Photographs



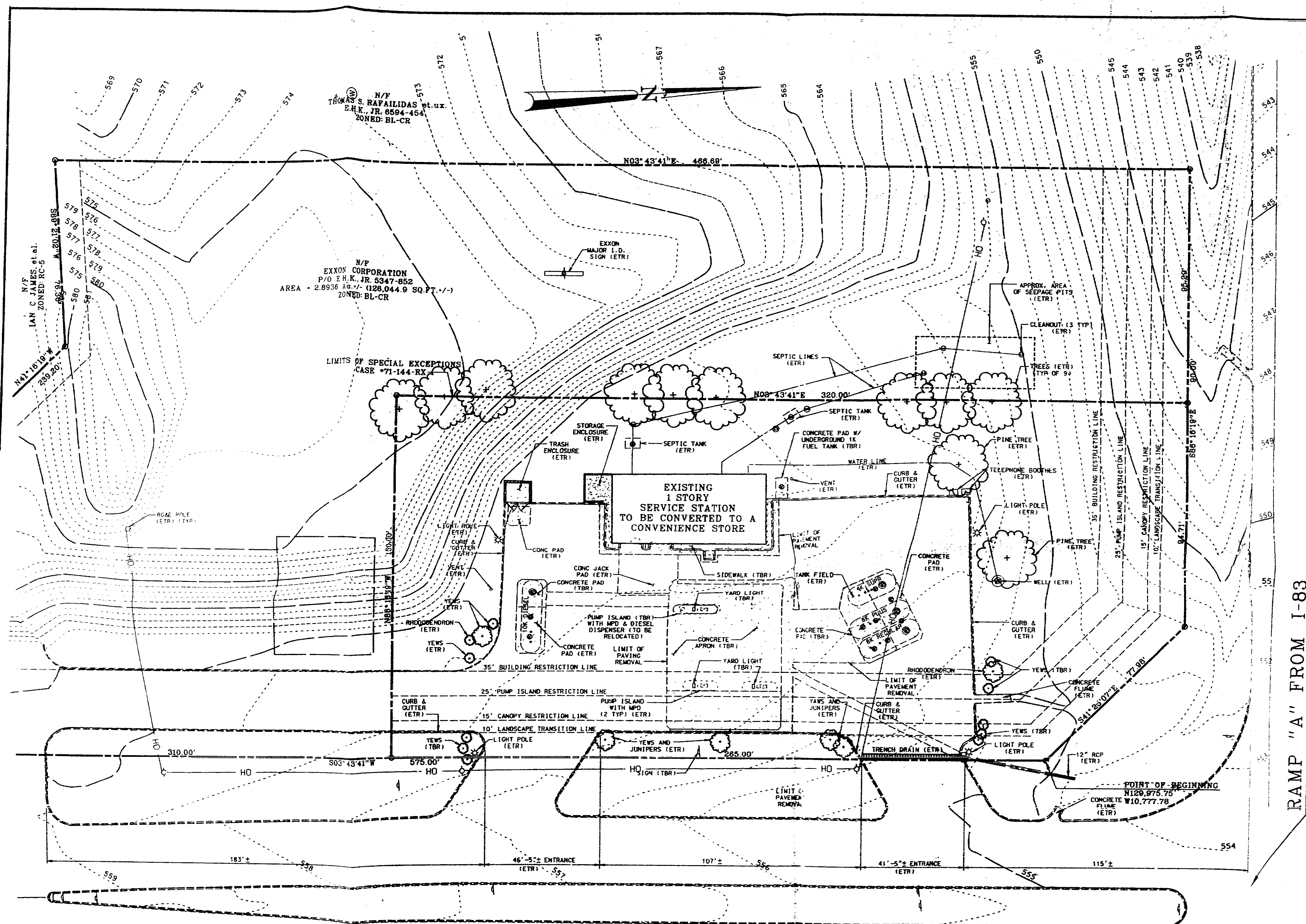
96-113-SP4x

PETITIONER'S
 EXHIBIT 2





VICINITY MAP
SCALE: 1" = 2000'



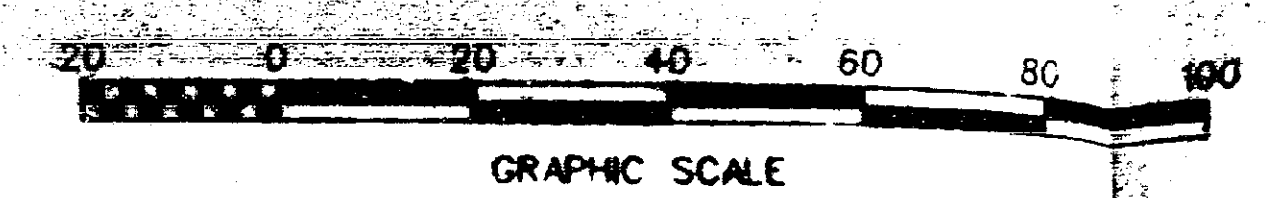
RAMP "A" FROM I-83

LEGEND

- SD — SD — STORM DRAIN
- SS — SS — SANITARY SEWER
- W — W — WATER MAIN
- 320 — — — — — EXISTING CONTOUR
- G — G — GAS
- OH — OH — OVERHEAD POWER LINES
- [] MULTIPRODUCT DISPENSER
- [] PAVED AREAS TO BE REMOVED
- [] TO BE REMOVED
- [] EXISTING TO REMAIN

YORK ROAD - MARYLAND ROUTE 45

(VARIABLE R/W: REFER TO SRC R/W PLAT NO. 17756)

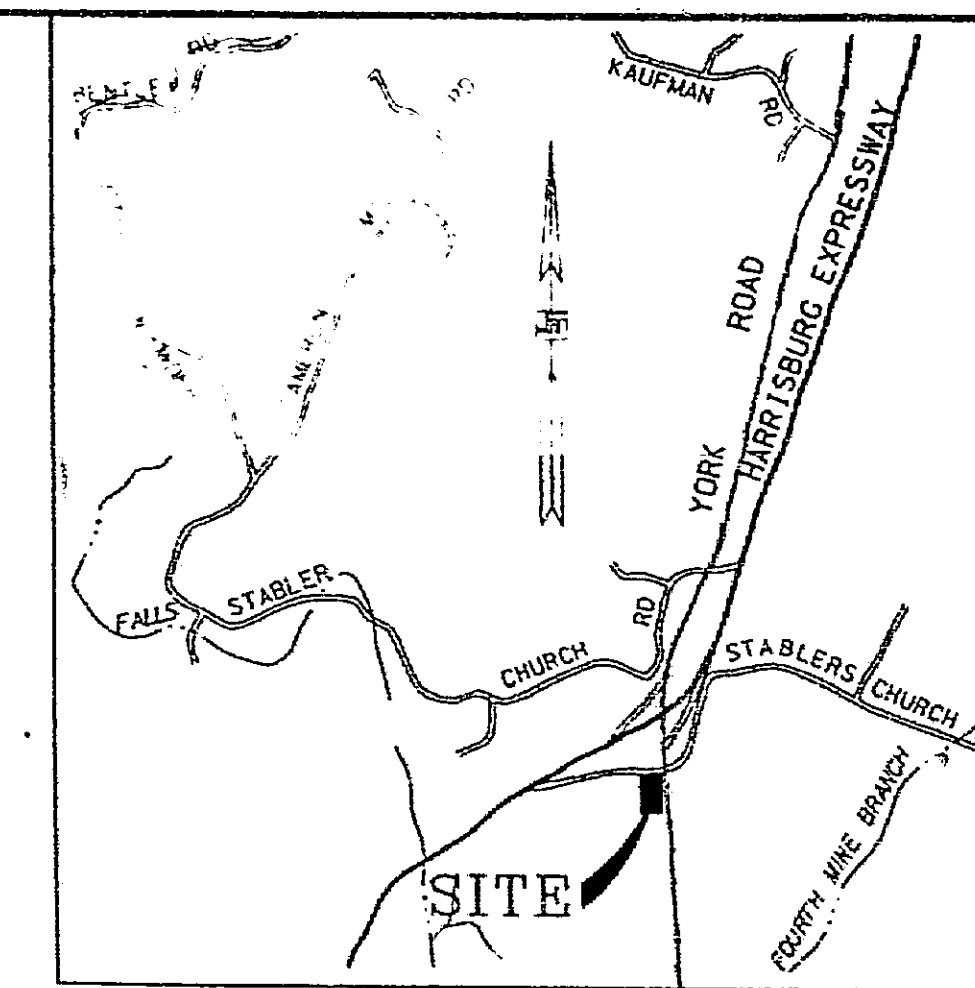
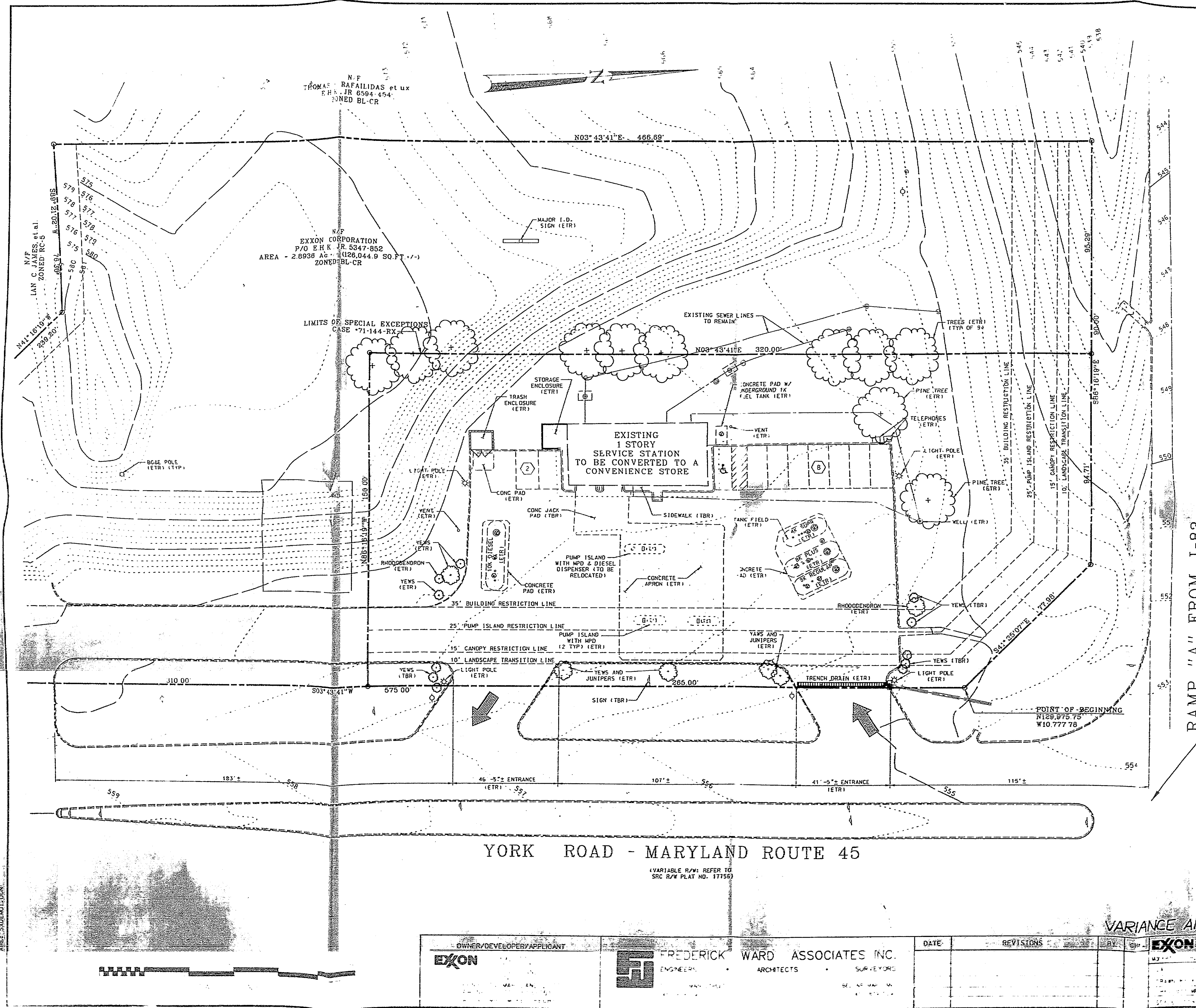


OWNER/DEVELOPER/APPLICANT		FREDERICK WARD ASSOCIATES INC.		DATE		REVISIONS		BY		EXXON COMPANY, U.S.A.		PROJECT NO.	
EXXON COMPANY, U.S.A.		ENGINEERS		ARCHITECTS		SURVEYORS				A DIVISION OF EXXON CORPORATION Real Estate & Engineering		94113.01	
6301 IVY LANE SUITE 700 GREENBELT, MARYLAND 20770 PHONE: 113011513-1511 ATTN: MR. MIKE SPECHT		5 SOUTH MAIN STREET (410) 838-7000		DEL. APT. MARYLAND (410) 879-2000						EXISTING SITE PLAN & DEMOLITION PLAN		DISC. NO. SDEM-DGN	
										FOR 10 ACRES SITUATE AT S.W. CORNER YORK ROAD & RAMP "A" FROM I-83 DISTRICT 1, COUNTY, MARYLAND ELECTION DISTRICT 1, CONGRESSIONAL DISTRICT 5		RAS. NO. 2-9639	
												DWG. NO. 01 OF 05	

PETITIONER'S
EXHIBIT 1

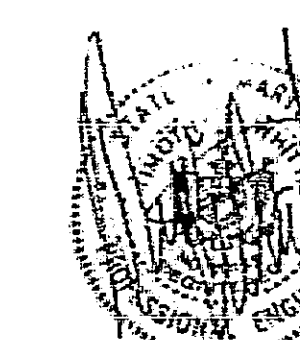
SPECIAL EXCEPTION

FPA FILE NAME: SDEM-DGN



VICINITY MAP
SCALE: 1" = 2000'

- LEGEND
- (P) PARKING SPACES
 - (TBR) TO BE REMOVED
 - (ETR) EXISTING TO REMAIN
 - FLOW OF TRAFFIC (NOT STRIPED)
 - (F) FILL CAP



Plan approved
in Case #96-113-
SPHA

OWNER/DEVELOPER/APPLICANT		DATE		REVISIONS		BY		EXXON COMPANY, U.S.A.		PROJECT NO.	
EXXON		FREDERICK WARD ASSOCIATES INC.						A DIVISION OF EXXON CORPORATION		94115-01	
ENGINEERS ARCHITECTS SURVEYORS											
NEW YORK NEW YORK NEW YORK								EXXON COMPANY, U.S.A. DEMOLITION PLAN		NO. 2-6679	
										DATE	

